

S/N 09/870407

#14
Elec.
PATENT 5.1.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Douglas J. LaCount *et al.*

Examiner: Gerald G. Leffers

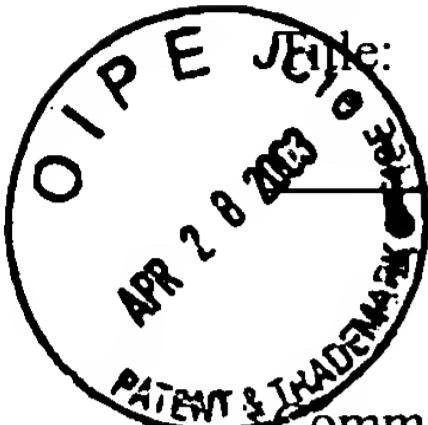
Serial No.: 09/870407

Group Art Unit: 1636

Filed: May 30, 2001

Docket No.: 875.030US1

METHOD OF RAPIDLY GENERATING DOUBLE-STRANDED RNA AND
METHODS OF USE THEREOF



Commissioner for Patents
Washington, D.C. 20231

RECEIVED

APR 30 2003

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Applicant has reviewed the Restriction Requirement mailed March 19, 2003, wherein the Examiner has requested election of one of the following groups:

- I. **Claims 1-29**, drawn to a eukaryotic double-stranded RNA (dsRNA) expression vector, and host cells comprising the expression vector.
- II. **Claims 30-49**, drawn to a vaccine comprising a eukaryotic double-stranded RNA (dsRNA) expression vector and methods of use to protect a susceptible mammal against colonization or infection by a pathogen.
- III. **Claims 50-68**, drawn to methods of generating a dsRNA comprising culturing a eukaryotic host cell that contains a eukaryotic double-stranded RNA (dsRNA) expression vector, and methods of screening designated nucleic acids capable of inhibiting expression of an essential eukaryotic gene.

Applicant provisionally elects, with traverse, the claims of Group I (claims 1-29).

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of all of the claims of the present application can be made without serious burden on the Office. Claims 1-29 (Group I) are directed to a eukaryotic double-stranded RNA (dsRNA) expression vector, and host cells comprising the expression vector; claims 30-49 (Group II) are directed to a vaccine comprising a eukaryotic double-stranded RNA (dsRNA) expression vector and methods of use to protect a susceptible mammal against colonization or infection by a pathogen, and claims 50-68 (Group III) are directed to methods of generating a dsRNA

BEST AVAILABLE COPY

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 09/870407

Filing Date: May 30, 2001

Title: METHOD OF RAPIDLY GENERATING DOUBLE-STRANDED RNA AND METHODS OF USE THEREOF

Page 2

Dkt: 875.030US1

comprising culturing a eukaryotic host cell that contains methods of generating a dsRNA comprising culturing a eukaryotic host cell that contains a eukaryotic double-stranded RNA (dsRNA) expression vector, and methods of screening designated nucleic acids capable of inhibiting expression of an essential eukaryotic gene, and methods of screening designated nucleic acids capable of inhibiting expression of an essential eukaryotic gene. Given the close relationship between the subject matter of the claims due to the fact that they all involve a eukaryotic double-stranded RNA (dsRNA) expression vector, no additional serious burden can result from the search and examination of all of the claims. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

The Examiner is invited to contact Applicants' Representative if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

DOUGLAS J. LACOUNT ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-373-6961

Date 14 April 2003

By Ann S. Viksnins

Ann S. Viksnins

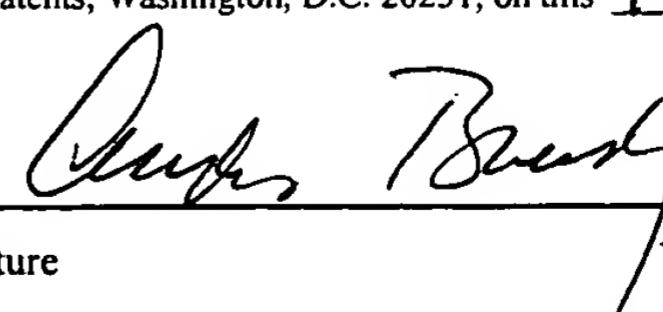
Reg. No. 37,748

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 17 day of April, 2003.

Candis B. Buending

Name

Signature



BEST AVAILABLE COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Douglas J. LaCount et al.

Title: METHOD OF RAPIDLY GENERATING DOUBLE-STRANDED RNA AND METHODS OF USE THEREOF

Docket No.: 875.030US1

Serial No.: 09/870407

Filed: May 30, 2001

Due Date: April 19, 2003

Examiner: Gerald G Leffers

Group Art Unit: 1636

Commissioner for Patents
Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated with an "X"):

A return postcard.
 An Response to Restriction Requirement (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: Ann S. Viksnins
Atty: Ann S. Viksnins
Reg. No. 37,748

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 17 day of April, 2003.

CANDIS BUNENDINC

Name

Customer Number 21186

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

(GENERAL)

Charles Bensky

Signature

BEST AVAILABLE COPY